

Treaties to which Spain is a Party Concerning Matters of Private International Law, 2009

This survey, prepared and compiled by Dr. Blanca Vilà Costa (Professor of Private International Law, University of Barcelona), covers the treaties and other international agreements published in the *Boletín Oficial del Estado* (Official Journal of the State) during 2009.

I. SOURCES OF PRIVATE INTERNATIONAL LAW

– Corrections of errors of the Organic Act 1/2008 of 30 July authorizing Spain's ratification of the Lisbon Treaty and amending the Treaty on European Union and the Treaty establishing the European Community signed at Lisbon on 13 December (BOE 98, 22.04.09).

– Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, on 13 December 2007.

Instrument of ratification: 26.09.08.

Entry into force: 1.12.09 (BOE 286, 27.11.09).

– Procès-verbal of rectification to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on 13 December 2007 (DOUE C290, 30.12.09).

– Explanatory Report on the Convention on Jurisdiction and the recognition and enforcement of judgments on civil and commercial matters, signed in Lugano on 30 October 2007 (DOUE C319, 23.12.09).

II. INTERNATIONAL JURISDICTION

– Council Decision of 26 February 2009 on the signing on behalf of the European Community of the Convention on Choice of Court Agreements (DOUE L133, 29.05.09).

– Council Decision of 27 November 2008 concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, done in Lugano on 30 October 2007 (DOUE L147, 10.06.09).

III. PROCEDURE AND JUDICIAL ASSISTANCE

– Treaty on judicial assistance in criminal matters between the Kingdom of Spain and the Republic of the Philippines, done in Manila on 2 March 2004.

Entry into force: 18.12.08 (BOE 73, 26.03.09).

– Convention between the Kingdom of Spain and the Republic of Cape Verde on judicial assistance in criminal matters, done *ad referendum* in Madrid on 20 March 2007.

Entry into force for Spain: 1.08.08 (BOE 224, 16.09.09).

– Convention between the Kingdom of Spain and the Kingdom of Morocco on judicial assistance in criminal matters, done in Rabat on 24 June 2009.

Provisional application: 24.06.09 (BOE 238, 2.10.09).

IV. RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS AND DECISIONS

– Council Decision of 27 November 2008 concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, done in Lugano on 30 October 2007 (DOUE L147, 10.06.09).

– Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS 165), done at Lisbon on 11 April 1997.

Instrument of ratification: 8.10.09.

Entry into force: 1.12.09 (BOE 291, 3.12.09).

Note: See the Spanish Declaration in the Section corresponding to Treaties to which Spain is a Party concerning Public International Law.

V. INTERNATIONAL COMMERCIAL ARBITRATION

VI. CHOICE OF LAW: SOME GENERAL PROBLEMS

VII. ALIENS, REFUGEES AND CITIZENS OF THE EUROPEAN COMMUNITY

– Agreement between the Kingdom of Spain and the Republic of Estonia concerning the representation on expedition of Schengen visas, done in Madrid on 11 February 2009.

Entry into force: 29.04.09 (BOE 132, 1.06.09).

– Agreement regarding Cooperation on Immigration matters between the Kingdom of Spain and the Republic of Guinea Bissau, done *ad referendum* in Bissau on

27 January 2008 and Exchange of Notes of 11 July and 29 September 2008, with corrections.

Provisional application: 8.11.08 (BOE 134, 3.06.09).

– Convention on Extradition between the Kingdom of Spain and the Kingdom of Morocco, done in Rabat on 24 June 2009.

Provisional application: 24.06.09 (BOE 238, 2.10.09).

– Framework Cooperation Agreement on Immigration between the Kingdom of Spain and the Republic of Mali, done *ad referendum* in Madrid on 23 January 2007.

Entry into force: 11.03.09 (BOE 252, 19.10.09).

VIII. NATURAL PERSONS: LEGAL INDIVIDUALITY, CAPACITY AND NAME

IX. FAMILY LAW

– Convention on Cooperation in the field of adoption between the Kingdom of Spain and the Socialist Republic of Vietnam, done in Hanoi on 5 December 2007.

Entry into force: 7.01.09 (BOE 44, 20.02.09).

– Declaration of acceptance by Spain of the accession by the Republic of Albania to the Convention on civil aspects of international child abduction, done at The Hague on 25 October 1980.

Entry into force: 01.09.09 (BOE 220, 11.09.09).

– Declaration of acceptance by Spain of the accession by the Republic of Armenia to the Convention on civil aspects of international child abduction, done at The Hague on 25 October 1980.

Entry into force: 01.09.09 (BOE 220, 11.09.09).

– Declaration of acceptance by Spain of the accession by the Republic of Seychelles to the Convention on civil aspects of international child abduction, done at The Hague on 25 October 1980.

Entry into force for Spain: 1.09.09 (BOE 220, 11.09.09).

X. SUCCESSION

XI. CONTRACTS

XII. TORTS

XIII. PROPERTY

– Modifications to the Regulations of the Patent Cooperation Treaty (PCT) (published in the *Boletín Oficial del Estado* of 7 November 1989) adopted in the 32 Meeting of the Assembly of the International Patent Cooperation Union, Geneva, 5 October 2004.

Entry into force: 1.04.05 (*BOE* 59, 10.03.09 and *corr. of errors BOE* 100, 24.04.09).

– Singapore Treaty on the Law of Trademarks, done at Singapore on 27 March 2006.

Instrument of ratification: 6.02.09.

Entry into force: 18.05.09 (*BOE* 108, 4.05.09).

– Act revising the Convention on the Grant of European Patents of 5 October 1973, revised on 17 December 1991, done in Munich on 29 November 2000.

Provisional application: 18.12.08 (*BOE* 65, 17.03.09).

Entry into force: 16.12.07 (*BOE* 136, 5.06.09).

– Modifications to the Regulations of the Patent Cooperation Treaty (PCT) (published in the *Boletín Oficial del Estado* of 7 November 1989) adopted in the 34 Meeting of the Assembly of the International Patent Cooperation Union on 5 October 2005.

Entry into force: 01.04.06 and 01.04.07 (*BOE* 175, 21.07.09).

– Modifications to the Regulations of the Patent Cooperation Treaty (PCT) (published in the *Boletín Oficial del Estado* of 7 November 1989) adopted in the 35 Meeting of the Assembly of the International Patent Cooperation Union on 3 October 2006.

Entry into force: 12.10.06 (*BOE* 248, 14.10.09).

XIV. COMPETITION LAW

XV. INVESTMENTS AND FOREIGN EXCHANGE

– Agreement between the Kingdom of Spain and the Great Libyan Arab Jamahiriya, People's and Socialist for the mutual promotion and protection of investments, done in Madrid on 17 December 2007.

Entry into force: 1.08.09 (*BOE* 237, 1.10.09).

XVI. FOREIGN TRADE LAW

– Agreement between the Kingdom of Spain and the Government of the Republic of Albania on Mutual Cooperation and Assistance in Customs Matters, done in Tirana on 20 May 2009.

Entry into force: 7.11.09 (*BOE* 279, 19.11.09).

XVII. BUSINESS ASSOCIATION/CORPORATION

XVIII. BANKRUPTCY

XIX. TRANSPORT LAW

– Exchange of Notes of 27 November 2008 and 9 March 2009, constitutive of the Agreement between the Kingdom of Spain and the Republic of Serbia on mutual recognition and exchange of national driving licenses.

Provisional application: 11.03.09 (BOE 148, 19.06.09 and *corr. of errors* BOE 175, 21.07.09).

– Agreement between the Kingdom of Spain and the International Association for Air Transportation (IATA) concerning the statute of the IATA in Spain, done at Madrid on 5 May 2009.

Provisional application: 05.05.09 (BOE 160, 03.07.09).

– Exchange of Notes between the Kingdom of Spain and the Republic of El Salvador on mutual recognition and exchange of national driving licenses, done ad referendum in Madrid on 19 August and 23 October 2008.

Entry into force: 24.06.09 (BOE 166, 10.07.09).

– Agreement on Aerial Transport between the Kingdom of Spain and the United Arab Emirates, done in Abu-Dhabi on 25 May 2008.

Entry into force for Spain: 6.09.09 (BOE 230, 23.09.09).

– Exchange of Notes concerning the Agreement between the Government of the Kingdom of Spain and the Government of the Republic of Kazakhstan on International Transport of Passengers and Goods by Road, done in Madrid on 30 October 2000 (*corr. of errors* BOE 260, 28.10.09).

XX. LABOUR LAW AND SOCIAL SECURITY

– Convention on Social Security between Spain and Rumania, done in Madrid on 24 January 2006, published in the *Boletín Oficial del Estado* n. 197, 15 August 2008 (*corr. of errors* BOE 125, 23.05.09).

– Agreement between the Kingdom of Spain and the Republic of Paraguay for the free exercise of remunerative activities by dependents of diplomatic, consular, administrative and technical employees of diplomatic missions and consular offices, done in Córdoba on 15 February 2008.

Entry into force: 20.05.09 (BOE 135, 4.06.09).

– Complementary Convention to the Convention on Social Security between the Kingdom of Spain and the Eastern Republic of Uruguay of 1st December 1997, done in Segovia on 8 September 2005.

Instrument of ratification: 06.05.09.

Entry into force: 10.06.09 (BOE 159, 2.07.09).

– Agreement between the Kingdom of Spain and the United States of Mexico relating to mutual authorization for the free exercise of remunerative activities by dependents of diplomatic, consular, administrative and technical employees of diplomatic missions and consular offices, done in Madrid on 16 October 2007.

Entry into force: 04.07.09 (BOE 174, 20.07.09).

– Convention on Social Security between Spain and Japan, done at Tokyo on 12 November 2008.

Entry into force: 01.10.09 (BOE 236, 30.09.09 and *corr. of errors* BOE 270, 9.11.09).

– Agreement of Amendment and Annex to the Administrative Agreement of 9 September 2004, concerning the application of the Convention on Social Security between the Kingdom of Spain and the Republic of Tunisia of 26 February 2001, done on 2 February 2009.

Entry into force: 1.04.09 (BOE 259, 27.10.09).

– Agreement between the Kingdom of Spain and the Federative Republic of Brazil relating to the free exercise of remunerative activities by dependents of diplomatic, consular, administrative and technical employees of diplomatic missions and consular offices, done in Madrid on 17 September 2007.

Entry into force: 9.11.09 (BOE 237, 1.10.09 and *corr. of errors* BOE 261, 29.10.09).

XXI. CRIMINAL LAW

– Agreement between the Republic of Lithuania and the Kingdom of Spain on cooperation in detecting, investigating and preventing criminal offences, done in Madrid, on 3 December 2007.

Entry into force: 7.02.09 (BOE 88, 10.04.09).

– Convention on Transfer of Sentenced Persons between the Kingdom of Saudi Arabia and the Kingdom of Spain, done *ad referendum* in Jeddah on 27 May 2008.

Entry into force: 23.07.09 (BOE 170, 15.07.09).

– Convention on Extradition between the Kingdom of Spain and the Republic of Cape Verde, done *ad referendum* in Madrid on 20 March 2007.

Entry into force for Spain: 1.08.08 (BOE 224, 16.09.09).

– Convention between the Kingdom of Spain and the Republic of Cape Verde on judicial assistance in criminal matters, done *ad referendum* in Madrid on 20 March 2007.

Entry into force for Spain: 1.08.08 (BOE 224, 16.09.09).

– Convention on Extradition between the Kingdom of Spain and the Kingdom of Morocco, done in Rabat on 24 June 2009.

Provisional application: 24.06.09 (BOE 238, 2.10.09).

– Council of Europe Convention on the Prevention of Terrorism (Convention n. 196 of the Council of Europe), done in Warsaw on 16 May 2005.

Instrument of ratification: 23.02.09.

Entry into force for Spain: 1.06.09 (BOE 250, 16.10.09).

– Second Protocol drawn up on the basis of Article K.3 of the Treaty on European Union, to the Convention on the protection of the European Communities' financial interests, done at Brussels on 10 June 1997.

Entry into force: 19.05.09 (BOE 286, 27.11.09).

Note: With the following reservation by Spain:

“In accordance with the provisions of Article 18, Spain reserves the right to establish the money laundering related to the proceeds of active and passive corruption as a criminal offence only in serious cases of active and passive corruption”.

– Exchange of Letters between the European Union and the Republic of Seychelles on the Conditions and Modalities for the Transfer of Suspected Pirates and Armed Robbers from EUNAVFOR to the Republic of Seychelles and for their Treatment after such Transfer (DOUE L315, 2.12.09).

XXII. TAX LAW

– Convention between the Kingdom of Spain and Jamaica for the avoidance of double taxation and the prevention of tax evasion in relation to taxes on income and Protocol, done in Kingston on 8 July 2008.

Entry into force: 16.05.09 (BOE 115, 12.05.09).

– Convention between the Kingdom of Spain and the Republic of El Salvador for the avoidance of double taxation and the prevention of tax evasion in relation to taxes on income, done in Madrid on 7 July 2008.

Entry into force: 13.08.09 (BOE 136, 5.06.09).

– Exchange of Letters of 1 March and 22 April 2005, concerning the application of the Convention for the avoidance of double taxation between Spain and France, done in Madrid on 10 October 1995.

Application between Spain and France: 1.01.05 (BOE 189, 6.08.09).

– Agreement on Exchange of Information in Fiscal Matters between the Kingdom of Spain and the Kingdom of The Netherlands, in the name of Aruba, done in Madrid on 24 November 2008.

Entry into force: 27.01.10 (BOE 282, 23.11.09).

– Agreement on Exchange of Information in Fiscal Matters between the Kingdom of Spain and the Kingdom of The Netherlands in the name of The Netherlands Antilles, done in Madrid on 10 June 2008.

Entry into force: 27.01.10 (BOE 283, 24.11.09).

– Convention between the Kingdom of Spain and the Republic of Trinidad and Tobago for the avoidance of double taxation and the prevention of tax evasion in relation to taxes on income, and Protocol, done in Port of Spain on 17 February 2009.

Entry into force: 28.12.09 (BOE 295, 8.12.09).

– Revised Code of Conduct for the effective implementation of the Convention on the elimination of double taxation in connection with the adjustment of profits of associated enterprises (DOUE C322, 30.12.09).